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ABSTRACT

A description is provided of the New York City cable television (CATV) project carried out by the Center for Analysis of Public Issues for the Fund for the City of New York. The purpose of the project was to analyze and, if possible, to determine in the light of direct experience what might be done to encourage the development of public access television; i.e., CATV channels allocated for use by the public. The first chapter of the report provides some background on cable in New York City and reviews the project's work in education, research, advocacy and programming. The next two chapters deal, respectively, with costs and examples of programming generated by the public. Chapter IV reports on the Center's production experiences, Chapter V on municipal uses of the channels, and Chapter VI on city, state and Federal regulations and related topics such as liability, censorship, and the common carrier status of CATV channels. The conclusions reached are that broadly-based usage will occur only if greater audience penetration is achieved, if viewers adopt interactive rather than passive attitudes toward CATV, and if better technical equipment and financing are obtained. (PC)

PUBLIC ACCESS CHANNELS: THE NEW YORK EXPERIENCE

A Report

for

The Fund for the City of New York

by

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PREFACE

This report, seventh in a series published by the Center for Analysis of Public Issues, deals with the experience gained during the beginnings of public-access cable television in New York City. As such, it represents an atypical venture for the Center. Previous reports, including one on cable television in New Jersey, analyzed the policies and action of public and private institutions, making criticisms when deserved and recommending specific remedies. In this report, the emphasis is on action and experience gained, rather than research and analysis.

Nevertheless, the report is a natural outgrowth of the Center's previous work. One of the recommendations in the Center's report "Crossed Wires--Cable Television in New Jersey," was that provision be made for public access use of the new medium. In mid-1971, a pioneering venture in public-access television over New York City's two franchised cable TV systems was started. A special project, supervised by the Center for the Fund for the City of New York, was established to aid private groups in making public-access television a reality. It was considered a useful way to draw some early, though necessarily tentative conclusions on which way the twig of public-access television should be bent. The conclusions drawn are those of the special task force, based on its first-hand experience and without pre-judgements of what should be.

John Kolesar, Director
March 1972

I. INTRODUCTION

This is a report on the New York City cable television project carried out by the Center for Analysis of Public Issues for the Fund for the City of New York during the period June 1 to October 31, 1971. The purpose of the project was to analyze and, if possible, to determine in the light of direct experience what might be done to encourage the development and use in New York City of public-access television, i.e. cable television channels specifically allocated for use by the public. The franchises granted by the city to cable television companies operating in Manhattan established, apparently for the first time in the nation, two channels for public use. Since the development of public-access television is one of the most portentous of the possible new applications of cable technology, and has been the subject of considerable professional and academic debate, the New York City experiment clearly warranted encouragement and careful analysis.

Background

Cable television (or CATV, from community antenna television) is a means of distributing television signals to individual receivers in homes or institutions over a network of coaxial cable, strung together much like -- and often in the same conduit or on the same poles as -- telephone or electric-supply lines. Individual set owners pay an installation fee and a monthly charge (\$9.95 and \$6.00 respectively in New York City) to become cable system "subscribers." In return, the cable company providing the service offers both improved reception of broadcast television signals and additional channels of service not locally available "off the air."

These additional channels of service represent cable television's most exciting characteristic -- its capacity to transmit many channels of service at a low cost per channel. At present, the total number of channels provided is technologically limited only by the channel capacities of the television sets used (new sets can discriminate seventy or so channels) and the cable installed (most systems have 12+ or 24+ channel cable, though at least one 64+ channel system is being built.)

Possible uses of the additional channels include security surveillance, high-speed data transmission, shopping and banking service, burglar alarm systems, opinion polling, and, perhaps most revolutionary, public access to television. Public-access channels, coupled with the low cost of modern videotape technology, have at least the theoretical potential of making television the soapbox for Everyman, of converting the passive consumer of commercial fare into an active user and controller of the electronic media.

Cable in New York City

After an initial period of experimentation, two companies were granted franchises by the City of New York in the summer of 1970 to provide cable television to the Borough of Manhattan. TelePrompter, Inc. was awarded the franchise for the area north of 86th Street on the East Side and 79th Street on the West Side, while the franchise for the remainder of the borough was granted to Sterling Manhattan Cable Co. The two companies currently provide service to about 90,000 homes. A third company, Comtel, Inc., leases lines from the New York Telephone Company to provide cable service primarily to hotels, but is not presently regulated by the City.

In return for the privilege of laying cable in City streets, the franchise requires the companies to meet specified performance, construction,

service delivery and technical standards. By August, 1973, for example, the companies are required to have developed 24-channel capacity, 11 channels of which may be allocated to broadcast signals, one reserved for company use, three reserved to the City, four for "additional" uses, and four for public-access programming. At present, the systems provide 17 channels, two of which are dedicated to public access uses and two for the use of the City government. Here is the relevant franchise provision governing the public access channels:

"84(e) For the presentation of programming on Public Channels, the Company shall lease time, and if necessary, adequate studio facilities to members of the public at rates filed pursuant to Section 6 of this contract, and pursuant to rules and regulations promulgated by the Director of Franchises. Appropriate technical assistance shall also be furnished by the Company. Time shall be leased on a first-come, first-served basis, except that the Company shall endeavor to lease such channel time to as many different persons as is practical, it being the intent of the parties that such Public Channels serve as a significant source of diversified expression. In order that there be a maximum opportunity for freedom of expression by members of the public, such programming shall be free from any control by the Company as to program content, except as is required to protect the Company from liability under applicable law. The Director of Franchises may direct that the Company discontinue, or not deliver, a program on the Public Channels which he finds to be essentially promotional or otherwise related primarily to the conduct of a business, trade, or profession; provided, however, that this provision shall not be construed as a prohibition of advertiser-supported programming on Public Channels. Such a direction shall not prejudice any person's right to utilize any other transmission service offered by the Company."

Regulation of the public channels is within the jurisdiction of the Bureau of Franchises, an agency of the Board of Estimate of the City of New York. (The Board is composed of the mayor, the comptroller, the president of City Council, and the five borough presidents.) The channels were officially opened to the public July 1, 1971, under rules and regulations promulgated by the Bureau.

The Project Work Program

Although the public access channels in New York City are apparently the first in the nation, the public access concept itself is not new, and a number of agencies and interest-group coalitions had begun investigations of public access even before the initiation of our project. The Sloan Commission on Cable Communications, for example, completed last summer a broadly gauged study of the national implications of cable technology; Monroe E. Price, Deputy Director of the Commission, had carried out preliminary analyses of the problems of initiating public access programming and prepared the initial work program on which the Fund's grant was based. The Alternate Media Center of New York University, under the direction of George Stoney, was conducting experiments in the use of half-inch videotape technology throughout the country under a grant from the Markle Foundation. Theodora Sklover, Director of Open Channel, Inc. had been lobbying for an effective public access franchise requirement for more than a year and had already begun a grass roots organizational effort in the heavily cabled Inwood section of Manhattan. Other groups which had expressed serious interest in the public access concept included the United Church of Christ, Experiments in Art and Technology of Automation House, Global Village, Raindance, People's Video Theater, and Filmmakers' Cooperative, the last four of which are supported at least in part by the New York State Council on the Arts.

From the outset, therefore, the Center attempted to ensure that its project activities would complement and supplement those already under way in order that a rounded and relatively complete evaluation of public access could be achieved within a short space of time. The following major

concentrations of activity were thus decided upon:

Education. An early survey by the Sloan Commission had disclosed that few, if any, potential users of public-access channels had even heard of the concept, much less developed plans for its use. Accordingly, the Center, in cooperation with the Commission, canvassed more than 75 agencies -- e.g., antipoverty groups, cultural groups, health agencies -- to inform them of the availability of public-access channels. The Center also published two editions of a newsletter, which was distributed to more than 3,000 likely user groups throughout the Borough, describing the availability of public-access channels, the rules for its use, costs and technical considerations, and ideas for programs. Finally, the Center, in conjunction with Open Channel, helped finance a special July 1 "Celebration" production on both cable systems to mark the opening of the channels. The event received substantial newspaper publicity.

Research. Two legal research interns carried out investigations of problems and issues particularly related to public-access television: liability for defamation, invasion of privacy, copyright violations, obscenity laws, the availability of bonding for users, and the effects of conversion of the channels to common carrier status.

Advocacy. The Center prepared and submitted draft proposals for public-access television rules and regulations to the New York City Bureau of Franchises. At the request of the Bureau, the Center also supplied staff assistance to the Bureau's effort to develop an appropriate regulatory posture.

Programming. Finally, in order to test the availability of the public-access channels, and to discover first-hand the problems of public-access

program production, the Center sponsored and produced a series of entertainment and educational features for the deaf community, with the Deafness Research and Training Center of New York University; a series of programs for the elderly in cooperation with several settlement houses and the City Office of the Aging; a taped presentation of the dangers of flammable children's clothes with Consumers' Union; and two artistic-ecological tapes with the People's Video Theater.

The project's involvement with costs, production experiences, other channel users, municipal uses, regulatory issues, and the problems of liability and censorship, provided the basis for some tentative conclusions.

For the most part, the discussion of regulatory and related issues is intended merely to provide essential background for questions on public-access television. An exhaustive policy discussion of regulatory issues, for example with respect to the question of commercially leased channels, is beyond the scope of this report.

II. COSTS

Simultaneously with the City's promulgation of the rules governing access, the two cable companies issued tariffs for the use of production facilities for programming on the public channels. Under the terms of these rate schedules, neither company charges for channel time for non-commercial presentations, though commercial users (of which there have been none so far) must pay from \$125 to \$520 per hour. In addition to the cable time itself, TelePrompter will provide, free of charge, the studio equipment and personnel needed to tape and play a simple one-camera, in-studio program, or to plan a pre-recorded program in any of the formats for which TelePrompter has equipment (16mm film, 1/2" Sony AV tape, 1" Ampex 7500 tape). Additional equipment and technical assistance, even a remote unit, are available at additional charge. Sterling Manhattan's rates are uniformly higher than TelePrompter's, partly because of the more expensive 2" quadriplex tape equipment that Sterling uses. In addition, though, Sterling charges for the use of a cable interconnection and for the use of any equipment at all except (as of October 27) a 1/2" audiotape playback unit.

Users who wish to break away from the studio or panel discussion format will typically rent or purchase Sony 1/2" tape equipment. The 1/2" tape equipment is reasonably priced -- a complete camera and tape player unit can be purchased for as little as \$1,800, while even the most sophisticated rig will cost less than \$6,000. Half-inch tape equipment is easy to use, but is subject to frequent breakdowns and signal instability. Electronic editing is so difficult as to be almost impractical, and the loss of information in

the editing process frequently makes the tapes unsuitable for transmission over cable. One-inch tape equipment is the choice of most institutional users, such as schools, but is ten or twenty times more expensive than Sony 1/2" equipment, and thus completely out of the reach of the average user. One-inch tape equipment is, for all practical purposes, not portable and not nearly so flexible as 1/2"; in addition, there is a proliferation of one-inch equipment brands, all of which are incompatible with one another. Broadcast quality 2" tape equipment is many times more expensive than 1". Equipment rentals are priced at approximately 5 per cent of purchase price per day.

On the basis of the Center's experience in its own productions, and the experience of the Alternate Media Center, good quality non-studio 1/2" tape productions can be achieved at a cost of about \$500 an hour, allowing reasonable amortization for equipment costs, set-up and planning time, and assuming unpaid or student-priced technical personnel.

A complete description of the costs applicable to public-access production was prepared for an edition of the Center's cable television newsletter, and is reproduced as an appendix to this report.

III. PROGRAMMING THE PUBLIC CHANNEL

Although usage of the public-access channels was slow during the summer, it picked up considerably during September and October, 1971. Sterling is now scheduling programs at a rate of sixty hours a month, while TelePrompTer is screening approximately twice as many. The users run the gamut from artistic groups, education agencies and ethnic organizations, to unclassifiable individuals with something to say over the cable, including a Shakespeare buff from New Jersey who lectures on Saturday afternoons and a black arts critic who presents readings of black poetry and criticisms. Some examples of other typical users follow:

The Alternate Media Center has been, by a good margin, the largest consumer of public access time to date. Productions have included a taping of a Media Conference at NYU and a three-day school planning "charette" in the West Village, with monitors set up outside the school to attract passers-by and a two-hour delayed cablecast to subscribers in the Sterling area. Other productions have included tapings of housing protests by a tenants' cooperative, an Indian Rights march, and a neighborhood organizational campaign to get a new stoplight. The Media Center productions are almost always inexpensive, imaginative, and informed with a thoughtful approach to the 1/2" tape technology.

Filmmaker's Cooperative, an organization of avant-garde filmmakers organized to publicize their own work. The show's basic format consists of studio discussion with a filmmaker about his art and the screening of excerpts. The program has appeared weekly since July 29th. The Cooperative reports that it has not been charged for studio time or the

the use of a film chain (a device for broadcasting filmed excerpts over the cable), although in its published rates, TelePrompter reserved the right to charge rentals for film chains. The Cooperative was discouraged from producing its programs for Sterling Manhattan because of Sterling's production charge.

Friends of Haiti, an organization of exiled Haitians dedicated to exposing the country's current regime. A first show was shot in August, commemorating the anniversary of the exiled group. A second program is planned shortly. The group has no funds to spend on production and must make use of TelePrompter's free studio offer.

Metropolitan Almanac -- the Almanac is a one-man newsletter listing free cultural and entertainment events. Marvin Tabok, the Almanac's publisher, is appearing weekly to provide the same service to whoever happens to tune in. He has no funds for production and avails himself of TelePrompter's free studio offering.

Philip Jordan has an avocational interest in Shakespeare and has made seven programs at TelePrompter in which he discusses the plays and poems, details of Shakespeare's life, and the Elizabethan environment. He is unconcerned about the size of his audience and plans to continue his shows indefinitely, to publicize his critical opinions and get greater exposure to the media.

Advocate Media, an ad hoc group of four young people with a particular interest in City politics, is using TelePrompter's facilities to make a biweekly half-hour program which features panel discussions with guests from the local political scene. This same group earlier discontinued publishing a newsletter on local politics, due to lack of funds; they

could not afford to spend very much on their television show. A similar public-access television user is Robert Rosensweet, who has made programs (at TelePrompter) featuring local political candidates.

Carlotta Schoolman, of Experiments in Art and Technology, has organized a series of shows of artists' films and tapes, simply to put some artistic efforts before the public. She solicited financial support from local galleries, who were acknowledged in the program credits, and from the New York State Council on the Arts. Her budget of approximately \$350 per show includes the costs of putting the film or tape on both cable systems (on successive nights), some newspaper advertising, a one-time mailing, and minimal honoraria to the artists. She has established viewing locations where people who don't have cable connections can watch -- including Automation House and Max's Terre Haute restaurant, where thirty or so viewers meet on Wednesday nights.

The Federation of New York Tenants Organizations taped and showed three programs on TelePrompter. Each was a panel show and dealt with one area of tenants' rights and housing generally. Four additional programs are being prepared on topics such as building demolition, the squatters' movement, hotel tenants' problems, and tenant patrols. According to one member, though, the Federation is not going to continue using cable, having found TelePrompter to be "enormously uncooperative". He says that the company first changed the Federation's taping date twice without notification, and then canceled its showing dates. It plans to concentrate on broadcast television in future, if possible. In fairness, virtually all other users have lauded TelePrompter's cooperativeness.

In order to get a better measure of the depth of interest in

public access programming, the Center also interviewed a sampling of persons inquiring at TelePrompter during the month of August about public access channels. Of the twenty-one persons contacted, five represented civic associations, Community Boards, or block groups, three, artistic or theatrical groups, one of which -- Raindance -- has considerable videotape sophistication; six were unaffiliated individuals (interested in comedy routines, politicking, singing songs, fighting drugs and a range of other social and personal causes); while the remainder were merely seeking information. None of the groups had any significant financial resources, with the possible exception of Raindance.

Significantly, a review of the time reservations on the two systems makes it clear that the decision of Sterling to charge for production facilities had an important deadening effect on the potential diversity and spontaneity of its public channels. During the month of October, with the exception of two half-hour presentations, all of the programming on Sterling was sponsored by the Center, or the Alternate Media Center, or other foundation-sponsored groups, such as Global Village. None of the individuals or groups outside the videotape community listed above could afford Sterling's production rates.*

*This report was completed in the Fall of 1971. Prior to publication, the Center rechecked user trends through the end of 1971 and found a heartening, if gradual trend toward wider use of the channels by an even broader selection of sponsors. The maximum usage reported by either company was 15 hours in a single day, with an average of about 5-6 hours. Through a contract with a studio at Automation House, Sterling is now providing free or nominally priced facilities to impecunious users, and plans to open its own small studio and lend basic 1/2" tape setups for non-studio productions. New program sponsors since the Fall include the Vietnam Veterans Against the War, the Odyssey House drug rehabilitation center, and a number of individual artists.

IV. THE CENTER'S PRODUCTION EXPERIENCES

In order to get an accurate perception of the difficulties of public-access television production, the Center sponsored and assisted in the production of programs for the deaf, for the aging, and for consumers. In addition, it provided assistance to the People's Video Theater and the Neighborhood Legal Services programs to produce, respectively, tapes on ecology, in loose affiliation with a public-interest scientist group, and training tapes for neighborhood center lawyers. Since the Center was intimately involved in the day-to-day activities of the first three productions above, a brief description of the actual production experiences may be useful.

Programs for the Deaf

The Deafness Research and Training Institute is a federally funded rehabilitation center affiliated with New York University. It was contacted early in the summer by the Sloan Commission and the Center because of the obvious suitability of CATV as a medium of communication with the deaf. The Institute was enthusiastic and developed an ambitious initial program concept, including a news service, early morning weather and transportation reports, public affairs discussions and entertainment features. This was scaled down because of technical incapacity, to a twelve-week pilot experiment consisting of twenty-four one-hour features on prime time. Roughly one show each week was devoted to a taped panel discussion on a topic of particular relevance to the deaf community, while the others featured pretaped or prefilmed entertainment features utilizing materials available from, for instance, the National Theatre for the Deaf.

About a month's pre-production time was required to develop lists

of films, arrange for studio time to tape the panel discussions, acquire appropriate releases from owners of the film rights, and grapple with the various technical problems that came up. From the start of pre-production, a Center staffer spent about half time on the project and at least three Institute staff members devoted from half to full time.

The technical problems were severe, but most should disappear as the cable system develops. The promised inter-connection between Sterling and TelePrompter was not in effect because of a telephone strike, so each tape had to be shown separately on both systems. Because the facilities at Automation House offered the best scheduling availability, they were used for taping the panel discussion. But again because of the telephone strike and the incompatibility of 1" tape equipment, the bulky Automation House recorder had to be taken to the headend each time the tape was played (which was especially time-consuming, with plugging-in and warming-up problems).

The incompatibility of the two companies' equipment also prevented showing much of the 'canned' material originally planned for use in the programs. The only materials that can be shown by both companies are 1/2" Sony AV tape and 16mm film. Interesting educational materials are available on 2" tape, but on a different kind of tape than that owned by Sterling, and the cost of translating one hour of tape to a suitable 2" format or to film is approximately \$1,000 per hour, much more than could be afforded.

The first studio taping took approximately four hours to produce one hour of tape. Conventional camera angles could not be used for sign language speakers, since the speaker must be visible full-face from the waist up, and positioning of the interpreter for non-signing participants

and seating arrangements to allow for effective signing all took time to work out.

The panel discussions were somewhat dull. The format is dull to begin with, and the necessity for a full-face focus on each speaker eliminates even minimal speaker interaction. The original hope was not to get locked into a panel format, but technical difficulties prevented mounting anything more ambitious, at least for the pilot series. Because of the apparently intense audience interest in anything available for the signing deaf community, the initial dullness is not a matter of concern, although it will be as the novelty of the programming wears off. The canned entertainment features are, of course, more interesting.

Dr. Jerome Schein, the director of the Deafness Research and Training Institute, is an aggressive and efficient administrator who has quickly reached the point where he needs little further technical assistance. He has ordered 1/2" tape equipment for the Deafness Institute and will request funding from the Federal Rehabilitation Service for a full-time video staffer to continue the programming. For all his energy, Dr. Schein was discouraged by the technical startup problems caused by tape incompatibility and the lack of interconnection and probably would not have pursued the idea if it had not been for the active technical assistance of the Center. As the programming continues, the acquisition of full-time staff will be critical, since the demands of producing two hours of programming a week are beginning to cut heavily into the Institute's other activities.

The costs of the programs have been kept to a bare minimum. The

canned tapes and film features have been obtained free of charge. Automation House is charging \$25 per taping session -- regardless of length -- for use of its studios, cameramen and technical facilities. Even so, the cost of tapes, interconnection, studio facilities, film chain rentals, etc., necessary to put the tapes on the cable will cost about \$2,500 for the entire series of twenty-four shows. Costs may be expected to go up sharply if the Deafness Institute attempts original programming more ambitious than the panel discussions.

The Aging

The idea of doing a series of pilot tapes designed especially for the aging and shot primarily in centers for the elderly was conceived by David Othmer of the Vera Institute and George Stoney of the Alternate Media Center. The project hired Othmer on a part-time basis over the summer to test the idea.

The basic objective of the tapes is to stimulate the elderly by presenting new ways of coping with life in the city. The format included discussions with old people in their homes and in their centers, shots of their activities and hobbies, and occasional service messages. The primary audience objective is elderly persons throughout the borough. The entire series is being shot "on location" and provides a test of the half-inch tape technology. From the Center's standpoint, it was also an interesting organizational challenge, since the production requires the cooperation of a series of institutions and agencies dealing with the aged -- settlement houses, old age centers, and the various service groups.

The first of twelve programs, each 40-60 minutes long, went on both cable systems on October 5. The programs were shown Tuesday afternoons

and repeated Friday evenings.

The response of the settlement houses was uniformly enthusiastic. They feel the tapes may be an important tool in opening up the sometimes constricted participation of the aged in community life, and a good way to create a better sense of group and community consciousness. Whether or not the programs can be continued will depend on audience reaction and the availability of funds. At the very least, it appears one person working full-time, at a relatively high level, would have to be assigned to the project and an additional capital investment of about \$10,000 for equipment, tapes and cable time would have to be made over the course of a year to provide regular programming.

The organizational work was formidable. Othmer produced and directed the entire operation, devoting about two full months to pre-production. The taping was done by students from NYU's Alternate Media Center and was probably much higher in quality than complete amateurs could expect to achieve. The total cost of the project (exclusive of Othmer's salary) will be approximately \$3,000, about one-third for equipment rentals, one-third for the camera crews' time, and one-third for tapes. Although the quality of the production is far from uniform, the on-location tapes are much more interesting and fresher than the panel discussions produced by the Deafness Center.

Consumers' Union

The Center also co-produced, with Consumers' Union, a half-hour program on the problem of flammable children's clothing. The purpose of

this production was twofold: to gain experience with a more complicated type of program, structured and assembled much like a network show; and to test the willingness of the companies to allow the presentation of candid consumer information.

The program included a demonstration of the manner in which children's nightwear will burn, in which the manufacturers, retailers, and labels of the flaming garments were identified; an interview with a leading medical authority on burn therapy; an interview with the Technical Director of Consumers' Union, and an interview with a family whose child had been burned as a result of clothing ignition.

Researching the script, contacting interviewees, setting up appointments, shooting and editing, and reviewing the tape for technical accuracy consumed the equivalent of two man-months or more. Obviously, regular programming of this nature would require a full technical staff and a fairly substantial budget.

The total cost for the program was \$1,600, about a third of which was spent for equipment rentals, editing, and tapes, about another third for equipment, travel, and cameramen, and the remainder for the technical assistance of the Community Film Workshop Council.

Although the use of 1/2" tape equipment was an essential factor in keeping costs down to a reasonable level, the editing required to satisfy the Consumer Union standards for accuracy caused some transmission difficulties, although not so much as to interfere with the content of the program.

Somewhat unexpectedly, neither cable company raised any objection to the programming on the ground of possible legal liability.

People's Video Theatre

The Center financed People's Video Theatre, a group of enthusiasts of half-inch video, to produce two half-hour programs dealing with ecological issues. The total cost of the two programs was \$800.

The first program, "Air Pollution," discussed the effects of air pollution on plants (with a visit to a plant research center) and humans (featuring a tape of bridge and tunnel workers being given a pulmonary function test, and a discussion with a doctor). The second tape, "The Physical Exam," documents a complete external physical exam being given to a patient while the doctor explains at each step what he is doing and what he is looking for, and the potential effects of air pollution on human functioning.

Both of these programs were made in half-inch tape and assembled with numerous edits. For showing over the cable, copies of the edited tapes were made by pointing a camera at a playback monitor -- thus producing a copy with "first generation" quality synchronization. The increased stability of such a copy, while invaluable for the over-the-cable showing, is achieved at a cost of a picture that is somewhat grayer than that of an electronic-transfer copy and slightly distorted at the edges.

V. MUNICIPAL USES

There has been little thus far in the way of imaginative, or even very interesting uses of the municipal channels. The City Office of Communications has been instructed not to let the channels lie idle and is screening educational tapes gleaned from the Board of Education tape library -- five half-hour tapes a day every day of the week.

The Police and Fire Departments have expressed interest in using the channels to screen training material for their precinct and station houses, but not until all five boroughs and at least the great majority of the houses are cabled.

The Human Resources Administration has employed consultants on the possible use of the cable for service delivery. Although there has been some speculation about massive delivery of services via cable, little concrete work has been done. Some small experiments with training tapes are currently under way.

Discussions have been held with the Department of Correction and the Alternate Media Center about the possible introduction of videotape into the prison system. The Department has expressed keen interest in a series of carefully phased videotape projects, and startup funding is apparently available. Due to the press of other priorities, however, the department will probably not follow through on the project without regular and persistent activity on the part of some technically capable outside group.

There has been some additional speculation about the use of the cable for intra-municipal data transmission; but at this point there is not enough cable penetration to make experiments feasible, nor is it entirely

clear that cable television will be competitive with similar services offered by the telephone company or other closed-circuit equipment manufacturers.

Municipal uses that exist almost entirely in the realm of the potential. "Blue-Sky" proposals are legion -- and relatively easy to dream up -- but it seems clear that the development of effective municipal cable usage will not happen so long as it's left to the spare time attention of busy officials. For any progress to be made, municipal usage will have to become a major priority of the new City Office of Telecommunications.

VI. REGULATION OF PUBLIC-ACCESS TELEVISION

Municipal Regulation

As provided in the franchise, the two public-access channels in New York City are governed by rules and regulations issued by the Bureau of Franchises. The rules are reproduced in full as Appendix I. Their salient points, however, are:

- . There is no charge for public access channel time, although the companies may charge rentals for studio and equipment time;
- . One of the two channels is reserved for one-time and "special" users, with special attention being required for last-minute users;
- . The other channel is reserved for regular broadcasts (with a limit of seven hours per week, two in prime time) so that regular viewing constituencies can be developed;
- . The companies may require pre-screening of all material that may lead to legal action against them;
- . The companies may require all necessary releases, copyright clearances, indemnifications, etc., they feel necessary to protect themselves from liability.

While the rules are not above criticism -- for instance, libertarian groups have objected to the companies' rights to prescreen and censor -- they seem to be a generally intelligent compromise among the conflicting interests involved, and, to date at least, seem to have presented no major problems for either the companies or potential users.

State Regulation

Hearings are currently being held by a joint committee of the New York State Legislature on proposals to subject cable television companies to comprehensive state regulation. The hearings have focused primarily on

the need for the establishment of standards for franchising, for construction and operation of the systems. If legislation is forthcoming, it will almost certainly set minimum capacity requirements for public access and educational uses that will probably in all cases be less rigorous than those already required by the City. There is also an excellent chance that the cable companies may be relieved of legal liability for defamatory public access cablecasts. The responsibility of the Bureau of Franchises for issuing rules and regulations for public access usage would probably be left undisturbed.

If the State does choose to regulate in the public access area, however, its regulations will almost certainly be pre-empted next spring by the Federal Communications Commission..

Federal Regulation

In a comprehensive statement of policy issued on August 5, of this year, the FCC stated its intention to pre-empt both State and local governments in the regulation of public access and educational channels.

The FCC has for some time taken public cognizance of the potentials of public access cable television. In its July 1, 1970 Notice of Proposed Rule Making in Docket 18397-A, for example, the agency said:

The structure and operation of our system of radio and television broadcasting affects, among other things, the sense of "community" of those within the signal area of the station involved. Recently governmental programs have been directed toward increasing citizen involvement in community affairs. Cable television has the potential to be a vehicle for much needed community expression.

Faced with increasing pressures to relieve cable television interests from some of the constraints which have limited the expansion of

the industry in larger markets -- specifically, the restrictions on the importation of distant signals -- the FCC saw an opportunity to use this leverage to require that the industry respond by providing the "supplemental, non-broadcast benefits" that had been promised for so long.

In the August 5th cable policy statement, Chairman Dean Burch confirmed the agency's commitment to encourage, if not demand those services: "In sum, we emphasize that the cable operator cannot accept the distant or overlapping signals that will be made available without also accepting the obligation to provide for substantial non-broadcast bandwidth. The two are integrally linked in the public-interest judgment we have made."

The rules proposed by the Commission for all future systems in the top 100 markets include:

- . An actual or potential capacity of at least 20 channels.
- . For every broadcast signal carried, an equivalent channel for non-broadcast uses.
- . A free, non-commercial public-access channel, available at all times on a non-discriminatory basis, a second channel for educational use, and a third for state and local government use, also on a free basis for at least an experimental period of five years.
- . Provision of an additional access channel within six months after existing channels have consistently gone beyond a designated level of regular usage.
- . Two-way capability.

Regulation of the public-access and leased channels "is properly the concern of this Commission," the FCC says, and continues:

Federal regulation is thus clearly called for. The issue is whether also to permit local regulation of these channels, if not inconsistent with federal purposes. We think that in this area this dual form of regulation would be confusing and impracticable.

...Thus, we believe that, except for the government channel, local regulation of access channels carrying programming is precluded, at least at this time...

In a further asserted preemption of local or state regulation, the FCC states: "Similarly, aside from channels for governmental uses, we do not believe that local entities should be permitted to require that other channels be assigned for particular uses." In other words, the local franchising authority will be prohibited from requiring more than the single public access channel and the single educational channel provided by the FCC rules. The FCC will, however, entertain petitions from local or state governments seeking to experiment with different arrangements for public-access channels. Existing systems will be permitted to continue operating under more "generous" specifications than those described. This grandfather clause would protect the systems already operating with two public-access channels in Manhattan, but presumably would not apply to new systems franchised elsewhere in New York City.

The statement on cable policy suggests the minimum standards that would be required of the public-access channels by the FCC:

- . Access must be nondiscriminatory, on a first-come first-served basis.
- . There may be no program censorship, except to prevent violation of the FCC obscenity standards.
- . Channel time will be free; but companies may charge for production facilities and equipment, except for brief, live studio presentations not exceeding five minutes in duration. At least "minimal" production facilities must be maintained for public users.
- . No advertising will be permitted, including political advertising spots.

All other operating rules and regulations will be left to the discretion of the cable companies. The policy statement says:

...We note, for example, the need to decide how applications for access time shall be made, who must make them, what over-all time limitations might be desirable, how copyrighted material will be protected, how production facilities will be provided, how the public can get some advance notice of what is to be presented, and so on. All these questions will probably be answered by cable systems in a number of different ways. Again, we will require that the rules adopted by cable systems in these respects be filed with us and made available to the public. But experimentation appears to be the best way to determine what will be workable for the long run...

While the August 5 cable policy statement is an unusually lucid and thoughtful document in almost all respects, its exclusion of local governmental bodies from any public-access television regulatory role seems a decidedly backward step, at least from the vantage point of New York City. Although the public-access experience with the local companies has been generally good, there have been some indications that they would prefer not to encourage, if not positively discourage, public access users. It seems clear that with the locus of supervision removed from New York to Washington, either company, or subsequent franchises, could make public access difficult or extremely inconvenient without violating the letter of the FCC regulations. Appeals from aggrieved users to the FCC would probably be infrequent, and, considering the press of other FCC business, would probably be even less frequently acted upon. A far more preferable arrangement would be to give local or state governments the option of issuing supplementary public-access regulations, while reserving to the cable companies the right to appeal regulations that were arbitrary or onerous.*

*While this report was being edited for publication, the cable television operators and network broadcasting reached a compromise on the most controversial sections of the FCC's letter of intent -- those dealing with the importation of distant signals. With the "industry compromise" behind them, the FCC will almost certainly complete its rulemaking proceedings in the spring of 1972.

Liability and Censorship

The right of the cable companies to censor public-access material has been the subject of heated debate since the inception of the public-access concept. Advocates of public access, such as Open Channel and the Alternate Media Center, generally argue that true community television demands the broadest possible latitude for free expression, while the cable companies quite reasonably fear that they could be subjected to legal liability for defamation, invasion of privacy, copyright infringement, and obscenity violations because of the statements or actions of persons who were irresponsible or simply unaware of the law.

The companies are not impressed with the fact that recent Supreme Court decisions have made defamation suits -- the suits most commonly brought against broadcasters -- increasingly difficult to win. They rarely lose suits; they fear, rather, the cost of defending against nuisance suits, and the worsening of their insurance experience ratings with consequent increases in rates or loss of coverage.

In actual fact, liability problems have not so far been a major obstacle to programming. The City rules require that the cable companies receive material two weeks in advance of screening, but the companies have, in fact, been satisfied with submission 48 hours in advance, or even less in some cases. The only instances of censorship we have found to date was the deletion of an unusually explicit sexual scene and a refusal to show a film entirely about copulation. In other occasions, they have permitted shots of genitalia, and raised no objection to the extremely candid presentation by Consumers' Union on flammable clothing, with specific identification of manufacturers and retailers of flammable items.

Sterling Manhattan's initial response to the liability question was to draft a strongly worded indemnification contract which would bind the public channel user to hold the cable company harmless in the event of suit, to pay for all legal expenses and all judgments incurred by the cable company and any other cable system which carried the program, and to allow the cable company to hire counsel and appeal decisions virtually without limit. To our knowledge, this contract, which is of doubtful enforceability anyway, was never signed by any user of Sterling's public channels. Apparently the company has now abandoned the idea of requiring the contract and will either draft another, presumably less stringent one or operate without a contract of any sort, as TelePrompter does.

The frequently suggested alternative of bonding for public access users to avoid censorship does not appear to be feasible. Contacts with two of the major surety companies in the communication field indicate a total unwillingness to bond uncensored public-access users "at any price". They would consider the possibility, although reluctantly, of writing a bond for an umbrella organization, such as Open Channel aspires to be, to cover all public-access users under its aegis. The bond would be written, however, on the assumption that the umbrella organization would have knowledgeable counsel perform the same censorship function currently performed by the companies. Although such an arrangement may be a way around excessive conservatism on the part of the companies, it could also have the reverse effect: since the umbrella organization would be certain to have its bond canceled after only one or two lawsuits, it may find itself forced to exercise greater caution than the cable companies seem currently disposed to do.

The problem of obtaining bonding for public-access users may also

have to be faced by proponents of legislation to relieve the cable companies of liability for public-access material. It is at least possible that such legislation would be coupled with a bonding of financial responsibility requirement for users -- on the theory that if a user is impecunious or unbonded, and the cable companies are protected from suit by law, a party who has been libeled or otherwise injured over a public-access channel would have no recourse at all.

The FCC Policy Statement

In its August 5th statement of cable policy, the FCC explicitly adopted a no-censorship policy toward public-access channels, except to prevent violations of Federal obscenity law. During a proposed interim period "...the cable operator must not censor or exercise program content control of any kind over the material presented on the public-access channel." The position of the Commission is that successful suits against the cable companies will be rare, and that, in any case, the companies can claim to be immunized from suit because of the no-censorship requirement.

Common Carrier Status

The proposal that meets the greatest range of liability problems would be to convert the public-access channels to common carrier status. A "common carrier" in the communications field is a system which provides the means of distribution without involvement in the content of the communication, as, for example, the telephone or telegraph system.

The Federal Communications Act defines a common carrier as "any person engaged as a common carrier for hire in interstate or foreign communications by wire." In 1958, the FCC decided that cable television systems were not common carriers on the basis of the operator's ultimate choice over

signals, but the decision was made before the advent of public-access channels. Moreover, it does not pre-empt the states from conferring common carrier status on systems within their boundaries.

Hearings are now being conducted by the New York State Legislature on a comprehensive scheme of state regulation of cable television systems. The draft regulations would convert to common carrier status any system that had obtained 50,000 or more subscribers in a single market area or was deriving more than 30 per cent of its gross revenues from activities other than origination or secondary transmissions, after an investigation and determination by the State Public Services Commission that conversion is required by public convenience and necessity. Specific terms of conversion would be prescribed by the PSC after such a determination was made. If an entire cable system is required to convert, it could lease channels to its own affiliates to carry commercial and origination programming in addition to the public-access and educational channel requirements. The PSC also would have the power, after public notice and opportunity for a hearing, to require any company to dedicate one or more channels to common carrier service.

The no-censorship requirement would be extended to the PSC itself. That provision also prohibits municipalities from imposing discriminatory or preferential franchise fees which might tend to encourage or discourage any type of programming in particular.

The only specific liability problem the bill confronts is that of defamation, which is subject to state law. Producers of programs afforded access according to the Act's requirements would be solely liable for defamation. Invasion of privacy actions are also probably covered by this provision, although the bill is not explicit. As a practical matter, therefore, if an applicant

without assets were held liable on a defamation action, there could be no recovery for the plaintiff.

The bill does not deal with obscenity or copyright, since they are both subjects of federal jurisdiction. Until the FCC or Congress takes action in those areas, the traditional relationships and rules will apply. Since, however, a common carrier has no control over content, it would be difficult to hold a cable company liable for an infringement which took place on a public-access common carrier channel.

It appears that the conversion as proposed would not be allowed should the FCC adopt rules pre-empting regulation of public-access channels from state and local governments, although the final distribution of regulatory authority will probably be worked out by an intergovernmental committee working under the auspices of the FCC as part of its proposed rulemaking proceedings.

VII. CONCLUSIONS

For all its fits and starts, public-access cable television is a reality in New York City. There is a considerable amount of programming on the cable and more is planned, some of it supported by philanthropic or public-interest organizations like the Center, but a significant amount spontaneously generated by people who have something they want to say over television.

It is far too early for a fair test of the public or municipal cable as a multi-purpose medium of communication. The lack of cable penetration discourages many potential users (only about 90,000 homes are cabled, concentrated generally in middle-to-upper income areas), while the lack of interconnection between the two companies, the lack of subdistricting, and the narrow range of equipment available for playing taped material are all serious programming obstacles.

Cable may, indeed, offer all the possibilities proclaimed by its most ardent proponents. The Alternate Media Center's cablecasting of the school planning marathon, the efforts of Open Channel to develop the cable as a sort of Inwood neighborhood newspaper, the series for the elderly produced by the Center, all offer exciting glimpses of the electronically extended neighborhood of the future and counsel patience with a long and possibly arduous development period.

But major problems must be overcome before reality and possibility can begin to draw closer together.

Penetration may be the most critical of all problems. Although about 90 per cent of the franchised areas have been supplied with trunk lines, sales to subscribers appear to be slowing down. The City has established a sub-

scription target of 55,000 for each company by April 1, 1972, and it is at least possible that one or both companies will not achieve the objective. When a public-access user considers how many of the 90,000 subscribers are likely to be watching television when he cablecasts his program, how many are likely to be watching the public-access channel, and, finally, how many of them are likely to be members of the particular target group he is interested in reaching, he may well conclude that other, possibly less expensive and less complex media, will be far more effective in reaching his audience.

The educational problem is also immense. Most people never conceive of themselves as using television for their own purposes; they are too used to being acted upon by the medium. And television is still a land of electronic wizards and technical mysteries; the demystification will take time.

Dramatic improvements are required in the technical equipment available to the public-access user. The frustrating incompatibilities between tape units, the poor transmission quality of low-cost equipment, the lack of flexibility in the cable system itself, all make non-studio public-access presentations unnecessarily complex and occasionally impossible.

The problem of financing is key. The different programming experiences of TelePrompTer and Sterling demonstrate that free channel time, by itself, is not enough to generate significant spontaneous usage. Under the proposed FCC rules allowing charges for production facilities, for instance, the Alternate Media Center and Global Village will still get on the cable, but Philip Jordan, Marvin Tabok, and the Friends of Haiti will be shut out. Perhaps better subsidy arrangements will develop, but

possibly not until cable usage reaches a sufficiently intense level that programming investments are an acceptable alternative way of spending, for instance, educational, health services, or other categorically directed funds.

In many respects, therefore, the prerequisites for broadly based usage of the public-access channels will be developed only with time -- broader penetration, greater familiarity with the medium, and new technological developments. But small steps taken now could do much to smooth the evolutionary process.

In the first place, the channels should not be allowed to lie idle when no public programming is being shown. Nothing is more discouraging to the dial flipper than a test pattern or a plain logo. Ample educational and entertainment tapes are available to the companies to fill up the unreserved time, more or less as the City is now using the municipal channels. In addition, the companies should distribute more information about public-access programming than they do at present. TelePrompter's inclusion of public-access schedules in its subscriber bills is helpful, but regular announcements on the other channels would probably be much more effective.

The regulatory problem facing the local franchising authority is an exceedingly subtle one, if carried out properly. Conventional regulatory problems -- the quality of the signal, the subscription price, etc., -- might easily be left to market forces in the case of a fledgling industry such as cable television. The City does need to pay attention, however, to the kind of equipment being installed to ensure that it will be compatible with the technological advances most likely to occur in at least the rela-

tively near future, and should also take an aggressive and positive role in developing experiments in public-access and municipal usage. It must also become much more involved than it has to date in problems of subdistricting for neighborhood-access productions, and in problems of compatibility of equipment and scheduling inconsistencies between the companies, which on several occasions have presented frustrating problems to would-be users.

The attitude toward regulation at all jurisdictional levels must remain extremely flexible and open-minded for a considerable time to come. Purist advocates of the "common carrier" approach to regulation, for example, feel uncomfortable with company subsidies to public-access users in the form of free channel time and studio facilities, since that tends to involve the companies in the origination of programs in breach of the basic common carrier principle. Although such a strict approach may make the most sense in the long run, it seems clear that a no-subsidy policy now will stifle public-access usage before it has a chance to develop its own broad base of support. Certainly, if public-access programming is not to be merely the narrow province of specialized media and artistic groups, some minimum of free production and studio time should be required of all cable companies.

In a related issue, while the policy statements of the FCC toward public-access are commendable, it would be a mistake to pre-empt local governments from any role in regulating public-access channels. A locus of regulation tied closely to the public-access users, but within Federal and State guidelines, would seem to make possible the greatest diversity, flexibility, and responsiveness in the long run.

Public access cablecasting also seems to warrant close founda-

tion attention, for at least the next three to five years. Wider ranges of experiments, by wider ranges of users, are clearly essential to hasten the development of the public-access concept. The financing required for one or two people with technical competence and imagination to assist in the development of new users, some 1/2" tape equipment, and a small programming fund to encourage program diversity would represent only a modest commitment by a foundation or a group of foundations, but could cut years off the evolutionary process.

Finally, there should be some caution in generalizing from the experience in New York City to other localities. The current level of public-access programming was certainly facilitated by the unusual media sophistication of the New York users and the presence of a relatively large number of videotape groups and "media freaks", some with amazing technical competence. The phenomenon may be peculiar to the largest cities in the country, or possibly just to New York. Inquiries in Boston, for instance, reveal that there are no videotape rental outlets in the city; users must order equipment from New York.

All in all, however, for all the shortcomings and problems to date, the New York City experience has been a heartening one. The overwhelming fact is that the channels are being used, spontaneously, by relatively large numbers of people, and for a variety of purposes. Issues of censorship and liability appear to be fading somewhat in importance as people concentrate on the business of producing material for the channels. Program personnel at the cable companies have already remarked on the growing maturity of public-access users; they are impressed particularly with the discrimination that users are beginning to show about organizing information

for the most effective visual communication. While this is no assurance, of course, that public-access television has started on the right path, an encouraging number of signs seem to be pointing in the right direction.

PUBLIC ACCESS CHANNELS: THE NEW YORK EXPERIENCE

APPENDIX I

RULES GOVERNING ACCESS
TO PUBLIC CHANNELS

The following rules shall apply to the availability of, and access to, Public Channels for the interim period of July 1 - December 31, 1971. The rules may be amended without notice by the Director of Franchises. The rules are intended to provide guidelines, and are not expected to cover every contingency that may arise. It is anticipated that the rules will be revised when the City, the CATV companies and the public have some meaningful experience with the Public Channels.

For the purpose of gaining such experience and in order to encourage differing uses of the Public Channels the two Public Channels shall be governed by different concepts. On one Public Channel, demoninated Channel C in the franchise, there shall be an opportunity to reserve a particular time period each week, or several time periods each week, in order to permit the user to build an audience on a regular basis. On the other Public Channel, denominated Channel D in the franchise, there shall be multiple time reservations, in order to permit a user with a single program and users with relatively last-minute requirements access to prime time periods.

During the interim period, users are invited to suggest changes in these rules. All suggested rule changes, with the reasons therefor, are to be mailed to the Director of Franchises, 1307 Municipal Building, New York, New York 10007.

The following shall apply to all Public Channels:

1. The user shall permit the Company to preview the programs it wishes to present on a Public Channel so that a

determination may be made as to whether the cablecasting of any such program will subject the Company to liability under applicable law. For the interim period covered by these rules, that determination shall be made by the Company. Should the user dispute the Company's determination, both the user and the Company shall submit to the Director of Franchises a written statement setting forth the facts surrounding the dispute and their views on the matter. Such statements shall be for informational purposes only and the Director shall not interfere with the Company's determination. The Company's determination shall, of course, be subject to judicial review if the user chooses to assert such a legal challenge. If the Company determines that any program, or part thereof, is objectionable in that it will subject it to liability, the user shall be given an opportunity to revise the program so as to delete the objectionable portion. If the user chooses not to do so, he may withdraw the program. Otherwise, the Company shall transmit the program after itself deleting any objectionable portion thereof unless in its judgment the entire program is objectionable. If the entire program is objectionable or is withdrawn, any fees paid for channel time shall be returned to the user.

2. The user shall submit to the Company an application for channel time at least two weeks in advance of the requested time period. Nevertheless, if an applicant with programming as to which timeliness is a factor requests time on Channel D on less than two weeks' notice, the Company shall devote its best efforts to clearing the program pursuant to Rule 1 in order to comply with the user's request. In

addition, for the month of July, 1971, the Company shall make every effort to accommodate users of both channels on shorter notice.

3. Every application shall contain the following information:

- (a) Requested date and hour of use;
- (b) Length of program;
- (c) A general indication of the purpose of the program and a statement as to whether any commercial material will be included in it;
- (d) A list of individuals who will appear on the program;
- (e) Name, address and telephone number of the individual or organization making the request, and if an organization, the names of the principal officers;
- (f) The method by which the program is to be presented;
- (g) Whether studio and/or production facilities are requested.

4. No minor under 18 years of age shall be permitted use of the Company's facilities unless accompanied by an adult, who shall assume all legal responsibility for the program and the actions of the minors and shall be responsible for obtaining whatever permits may be required authorizing the appearance of such minors.

5. At least ten days prior to the date on which the program is to be carried on a public channel the applicant must:

- (a) Read, execute and file with the company its public channel contract, in which the company may specify reasonable technical standards;

(b) Where music is included, furnish to the company the title of the music, if any; the name of the composer(s); the licensing agent for performance rights; and appropriate documents authorizing performance on the public channel;

(c) Where non-musical copyrighted material is included in any program, furnish the company the name of the author, the copyright owner and appropriate documents authorizing the use of the material on the program.

6. Applications for time on Channel C shall be granted on a first-come, first-served basis, subject to the following qualifications:

(a) A user may lease no more than two hours (cumulative) per week of prime time (7:00 - 11:00 P.M.).

(b) A user may lease no more than 7 hours per week of prime and non-prime time, unless there are no other requests for the time periods beyond such 7 hours.

7. Applications for time on Channel D shall be granted on a first-come, first-served basis, subject to the following qualifications:

(a) A user may not make advance reservations of the same time period more than once per month.

(b) Up to one week prior to the time period requested, users who have leased 5 hours or more on both Public Channels within the previous month shall be subject to scheduling displacement by less frequent users, regardless of the timing of their applications.

8. No brokering will be permitted nor will agency fees or commissions of any kind be payable by the Company unless expressly agreed to in writing.

9. Time allocations shall be non-assignable.

10. The rule of decision in all schedule conflicts will be that which provides the greatest diversity of expression.

11. The Company may require users of Public Channels to provide it with all information needed to enable it to comply with applicable rules and regulations of the Federal Communication Commission, or the Company may require users themselves to comply with the aforesaid section.

12. Users who choose to produce their own programming (rather than lease facilities made available by the Company) shall consult with the Company to determine whether they will have to supply any equipment to enable the Company to transmit their programming.

13. Upon request, the Company shall inform users of any production facilities and programming organizations known to the Company which might be of financial and technical assistance to the user.

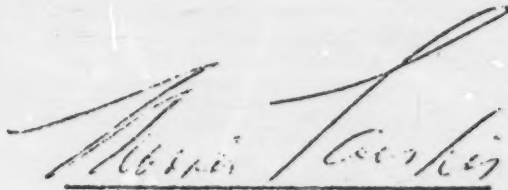
14. If any user is of the opinion that the Company has treated it unfairly or that the Company has not complied with the aforesaid rules, it should communicate directly with the Director of Franchises.

15. Failure to comply with the aforesaid rules shall subject the user to cancellation of all future

reservations of Public Channel time for a two month period.

16. The Company shall make available to all users who request technical assistance the advisory services of a qualified person experienced in television production. Such advisory services shall be provided at the Company's premises and during reasonable business hours.

Issued June 29, 1971 by



Morris Marshis
Director of Franchises
1307 Municipal Building
New York, N.Y. 10007

NOTE:

Rates for Public Channels filed by the Companies are appended hereto for the convenience of users.

4) Payment for use of the company's facilities shall be made as follows:

a) For transmission of a program on a public channel:

i) In a non-commercial presentation, i.e. where there is no element of profit or commercial or financial benefit to any individual or organization (including so-called "institutional advertising") - no charge

ii) In other than a non-commercial presentation charges will be as follows:

	A	B	C
1 Hour	\$520	\$360	\$160
1/2 Hour	300	225	100
1/4 Hour	200	150	70
10 Mins.	160	125	55
5 Mins.	130	95	45

Class A 8 p.m. - 11 p.m.

Class B 7 p.m. - 8 p.m.

Class C Sign on 7 p.m.
11 p.m. conclusion

b) For use of the company's studio and production facilities to make a video-tape of a program to be carried on a public channel:

i) In a non-commercial presentation: single camera, single one inch video tape recorder, one cameraman working a straight-time shift, studio lights "as is, set "as is", with no rehearsal time - no charge

- 11) In a commercial presentation, and in a non-commercial presentation using facilities in addition to those listed in Paragraph (1), as follows:

Director	\$ 60.00 per day
Production Assistant	30.00 per day
Film Chain	20.00 per hour
Slide - Chain	20.00 per hour + \$15.00 per slide (simple)
VTR Insert (machine only)	150.00 per day
VTR Stock - 1 hour reel	60.00
Lighting Director	45.00 per day
Graphics - cards (crawls + typewriter)	7.50 each (simple) 25.00 per hour
Front Screen Projection	100.00 per day
Audio Tape - Machine only	20.00 per day
Audio Tape - 1 hour reel	7.00
Cameras	75.00 per camera per day (this includes standard crew)
Studio (bare) rehearsal	100.00 per day
Props - Sets	On request
Remote unit (complete) (crew included)	500.00 per day

If the company's facilities are not available during a regular working day (i.e. when production personnel are working on a "straight time" basis), upon request the company will endeavor to make production facilities available outside of regular working hours, in which

event the rates specified above will be increased by 50 per cent if the facilities are used outside of regular working hours Monday through Friday, and by 100 per cent if the facilities are used outside of regular working hours on Saturdays, Sundays or holidays.

iii) The company's studio and production facilities may be used only for the purpose of making a videotape of a program to be carried on the company's public channel and only to the extent that the facilities are not scheduled by the company for other uses.

c) The determination as to whether a presentation is non-commercial shall be made by the company and its decision shall be final.

d) i) Payment for transmission of a program on a public channel is to be made by cash or certified check at least 7 days prior to transmission.

ii) For the use of studio and production facilities under clause (b) (ii) above, a deposit in an amount equal to the time rate specified in Paragraph 4 (a) (ii) for the length of the program to be presented is to be made by cash or certified check at least 7 days prior to the videotaping of the program. The company will compute the actual charge and notify the individual or organization which contracted for the facilities as to the amount of the charge within 14 days after the program is taped.

If the amount of the deposit is more than the amount of the

TELEVISION
MANHATTAN CATV
CORPORATION

Cable TV

529 West 207th Street, New York, N.Y. 10034 (212) 942-7200

-4-

charge, payment of the difference shall accompany the notice. If the charge exceeds the amount of the deposit, payment of the additional amount due the company shall be made by cash or certified check not later than 3 days prior to the date upon which the program is to be transmitted on the public channel, and in any event not later than 14 days after submission of a bill therefor.

FOR CLEAR, SHARP TELEVISION RECEPTION IN COLOR AND BLACK & WHITE

RATES - PUBLIC CHANNELS

STERLING MANHATTAN CABLE TELEVISION, INC.
120 East 23rd Street
New York, N.Y. 10010

(Effective as of July 1, 1971 up to and including December 31, 1971)

GENERAL INFORMATION

1. All rates included herein are net.
2. All materials, designs, sketches and floor plans supplied, constructed or purchased by SMCTV remain the property of SMCTV unless otherwise agreed to by SMCTV, in writing, prior to show presentation.
3. Usage of all personnel must be in accordance with current labor union contracts and operating conditions.
4. Furnishing of facilities, services and materials covered by this schedule is not guaranteed. All orders will be subject to availability.
5. All orders for production facilities and services that cause SMCTV additional expense due to their lateness, if accepted by SMCTV, will be subject to an additional charge.
6. All rates are subject to city, states and federal taxes, where applicable.
7. All data herein are subject to change without notice.

1. CHANNEL TIME LEASE RATE (SMCTV's franchises area only)

- (a) For individuals or organizations leasing time for non-profit, non-commercial public service programs and/or announcements:

NO CHARGE

- (b) For individuals or organizations leasing time for other programs and/or announcements:

7 - 11:00 P.M.

\$200.00 per hour
\$150.00 per half hour
\$100.00 per quarter hour
\$ 50.00 per five minutes

All Other Times

\$125.00 per hour
\$ 95.00 per half hour
\$ 75.00 per quarter hour
\$ 40.00 per five minutes

Programs of any type supported by advertising of either an institutional or product nature will not be entitled to the non-profit, non-commercial rates in 1(a) above.

2. RATES FOR USE OF STUDIO AND ANCILLARY FACILITIES - (All hourly rates quoted are for 1 hour minimum. Charges will be prorated to the next quarter hour)

Rates cover minimum crew necessary in SMCTV's judgement and are not applicable to technical and/or production personnel needed over and above SMCTV's ordinary manpower requirements. These rates cover each studio's regular lighting and technical equipment. All items ordered over and above these facilities will be charges separately. The rate for studio usage with facilities begins with engineering set-up time and ends with tape or air.

Studio Facilities (per hour)

For Individuals or
Organizations eli-
gible under 1 (a)
above.

For Individuals
or Organizations
eligible under
1 (b) above.

(i) 1 black and white camera	\$ 25.00	\$ 50.00
2 black and white cameras	40.00	75.00
(ii) 1 color camera*	40.00	80.00
2 color cameras*	60.00	120.00
3 color cameras*	80.00	160.00

Video tape rate includes manpower and is applicable to recording, playback, editing, viewing and dubbing. Charges will be based on total elapsed time used or ordered, whichever is greater, and will be prorated to the next quarter hour.

(iii) (a) Video Tape Facilities (per machine per hour)

High band color*	\$ 40.00	\$ 80.00
Low band black and white	25.00	50.00
SONY 1/2"	no charge	20.00

(b) Audiotape facilities 1/4" no charge 20.00

(iv) 16mm film chain (per machine per hour)

Projector only for screening	\$ 20.00	\$ 40.00
on-air or production	25.00	50.00

(v) Video Tape Stock (2 inch)

(a) Purchase - if user desires to keep tape or does not want erased:

2,400 feet	\$ 160.00
4,800 feet	295.00
7,200 feet	440.00

(includes inspection and processing charges)

(b) Charges for tape usage:

2,400 feet	\$ 20.00
4,800 feet	40.00
7,200 feet	60.00

* Available on or about December 1, 1971

Mobile color facilities available on or about October 1, 1971; rates provided on request.

(vi) Technical and/or production personnel needed over and above ordinary manpower requirements

- | | |
|------------------|-----------------------------|
| (a) Regular time | \$10.00 per hour per person |
| (b) Overtime | 15.00 per hour per person |

3. TYPE OF STUDIO FACILITY

The studio facility does not provide for audience space. If the studio size is not deemed adequate, user, at his own expense, may utilize commercial studios.

4. DIRECT FEED VIA TELCO

- (a) User orders and pays full cost of Telco line to SMCTV's head-end or other location designed by SMCTV.
- (b) Inter-connect charge (each day)**- \$25.00 initial hour
10.00 per hour thereafter

5. USER'S OWN EQUIPMENT

User may provide his own equipment, such as a video tape player, in accordance with specifications provided in the Rules for Programming on Public Channels.

** No charge for individuals or organizations eligible under 1(a) above.

PUBLIC ACCESS CHANNELS: THE NEW YORK EXPERIENCE

APPENDIX II

Public Access Television Starts in Manhattan; Cable Television Programming Now Available to All

Anyone who wants to broadcast his own message, program, or series of programs over television may do so virtually free of charge on the public access cable TV channels which became available in New York City July 1.

The provision of two public access channels is required by the cable TV franchises awarded by the City to the two companies, Sterling Manhattan Cable TV, Inc., and Teleprompter, Inc., serving the Borough of Manhattan. Free or virtually free access to the channels is guaranteed by rules just promulgated by the City (see story on page 2).

Free access public TV channels have the potential to revolutionize the communication patterns of service organizations, consumer groups, and political parties, and could provide an entirely new forum for neighborhood dialogue and artistic expression.

Programming Began July 1

The channels were officially opened to the public July 1, with a broad range of programming, including a film "How to Start a Child Care Center"; a taped account of a rent strike; taping of a gay activists demonstration at the City Marriage License Bureau; a film about deafness, captioned so that deaf viewers could follow; a tape on drug rehabilitation; dance performances; and tapes of musicians, painters, and puppeteers.

Consumer's Union demonstrated the poisonous properties of Shell No-Pest Strip, and there was a spirited exchange between a public interest advocate and Irving Kahn, President of Teleprompter, regarding possible restrictive elements in the access rules.

What Is Cable TV?

Cable television is a method of television transmission by a coaxial cable which is connected to individual home receivers. Subscribers sign up with a local cable company at a fixed monthly charge—\$6 per month in New York City plus a connection charge. The selling point of cable as opposed to over-the-air television is that cable provides a constant high level of reception, free from the interference of tall buildings or atmospheric conditions that deflect conventional signals—and in New York City, that it provides such extra programming as the Knicks and Rangers home games.

The potentially revolutionary feature of cable TV is the large number of channels that can be carried over coaxial cable. The systems serving Manhattan carry 17 channel positions and are scheduled to go up to 24. The cable companies supply a converter to subscribers to allow dialing the new channels on conventional sets. Systems providing 40 channels are already practicable, and cable capacities of up to 80 channels are within the realm of current technology.

The large channel capacity of the cable, combined with the low cost of transmitting signals from

New York CATV Supplement

The Center for Analysis of Public Issues is a non-profit research organization devoted to the analysis of significant public policy issues. This is the first of a series of special supplements to the Center's regular newsletter, based on cable television studies carried out in New Jersey and New York City.

In this series, we plan to inform potential users of developments in the New York City public access CATV channels, discuss problems in planning and telecasting public access productions, and highlight interesting and innovative uses of the channels.

The newsletter supplements are distributed free of charge as a service of the Center, in the hope that more information on public access CATV will help stimulate individuals and groups to take advantage of this important new medium.

the cable head-end, completely reverses the conventional economics of telecasting and makes special interest programming, aimed at relatively small audience groups a practical proposition.

Opening Day Celebrated

The opening day programming on the public access channels was organized by Mrs. Thea Sklover of Open Channel, Inc., as a demonstration and "celebration" of the new channels and was telecast over

(Continued on Page 4)

City Promulgates Rules For Public Access CATV

Free access will be provided on the public access cable TV channels to non-commercial and non-profit groups effective immediately, according to rules and regulations issued by the New York City Bureau of Franchises July 1.

Teleprompter, Inc., holder of the franchise for the area of Manhattan roughly above 79th Street, has announced that, in addition to free channel time, minimum studio, camera, technical staff, and facilities will be provided to non-commercial users free of charge. Sterling Manhattan Cable TV, Inc., franchisee for the rest of the island, will charge \$25 per hour for the operation of a black-and white video tape player, and will provide minimum camera and crew recording facilities for an additional \$25 per hour, plus the cost of tape.

Free access to the public channels, combined with free or modestly priced studio and camera facilities, should make CATV an effective and practical means of communication for virtually every public service group, artistic ensemble, or community organization in Manhattan.

The following is a summary of the rules promulgated by the city.

COVERAGE

The rules apply to the two public access channels, i.e., channels C and D on television receivers wired for CATV service. The rules have been announced as interim only, effective until December 31, 1971, and are subject to change by the Bureau of Franchises at any time.

RATES: BROADCASTING TIME

A. There will be no charge by either company for broadcasting time used by non-commercial or non-profit groups or individuals.

B. Commercial users, which means the sponsors of any program which includes institutional or product advertising, will be charged rates for channel time. As examples of the rates filed with the City, Teleprompter will charge \$520 per hour for prime time, scaled down to \$160 per hour for non-prime time. Sterling Manhattan will charge \$200 per hour for prime time and \$125 for other time. Time may be purchased in units as small as five minutes.

RATES: STUDIO AND EQUIPMENT

A. Teleprompter will provide minimum studio facilities, one black-and-white camera and camera-man, and a single one-inch video tape recorder to

a non-commercial user free of charge, assuming no light changes, no rehearsal time, and a straight-time shift for the crew. Charges will be made for facilities or crew above the minimum. Illustrative rates are: Studio rehearsal, \$100 per day; film chain, \$20 per hour, cameras, \$75 per camera per day (including crew).

Sterling does not offer free studio facilities. The basic rates for non-commercial users (including minimum crew) include, for example, \$25 per hour for one black-and-white camera, \$25 per hour for one low-band black-and white video tape machine, and \$20 for 2,400 feet of tape, assuming it will be erased.

B. For commercial users, Teleprompter will charge at the same rate as for non-commercial users, except there will be no free minimum set-up. Sterling will charge at a rate approximately double that for non-commercial users.

Complete tariffs for time and studio facilities are available from the companies upon request. They are subject to change without notice.

RESERVING TIME

The rules governing reservation of time on Channel C are designed to permit regular broadcast scheduling. On Channel D, multiple reservations will be limited in order to assist one-time users, or users with last-minute requirements, to gain access to prime time. Specifically:

A. Applications on Channel C will be on a first-come, first-served basis, except that a user may reserve no more than two hours per week in prime time (7-11 p.m.) and no more than seven hours per

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Chairman, Board of Trustees—Paul N. Yivisaker

Director—Richard C. Leone

Supplement Editor—Thomas Freebairn

week of both prime and non-prime time. Time may be reserved beyond the seven-hour limit if there are no other reservation requests.

B. Channel D users will also be scheduled first-come, first-served, except that no user may reserve the same time period more than once per month, and any user who has reserved five hours or more on both channels during the previous month may be displaced by a less frequent user up to one week before the scheduled time period.

All reservations should be made in writing to the respective companies **at least two weeks in advance** of the desired telecast date. Exceptions will be made for reservations on Channel D where timeliness is a factor and during July for both channels. The reservation request should state the date and hour required, the length of the program, a general statement of the program's purpose and whether commercial material will be included, the individuals who will appear, the name, address and telephone number of the person or organization making the request, and, if applicable, the principal officers of the organization, the planned method of presentation, and whether studio or production facilities are required.

The companies and the user must execute a public channel contract ten days before the scheduled telecast. The companies may specify reasonable technical standards in the contract.

COMPANY PROTECTION AGAINST LIABILITY

The companies may prescreen programs to ensure that the broadcast will not subject them to liability, e.g., under libel or obscenity laws, and may require that objectionable portions be deleted. Appeals from a company refusal to telecast because of potential liability may be made only to the courts, although a record of disputes should be filed with the Bureau of Franchises.

At the time of execution of the public channel contract, the user must furnish the title, composer, performance licensing agent, and appropriate authorizing document for any music to be used on the program, and the author, copyright owner, and authorization for any non-musical copyrighted material.

Persons under 18 will not be permitted use of the facilities unless accompanied by a legally responsible adult, who will also be responsible for securing releases for the appearance of the minor on a telecast.

TECHNICAL ASSISTANCE

Each company will provide at least one technically qualified advisory staff member to assist public access users.

USER EQUIPMENT

Users may utilize their own production equipment, but must consult with the company regarding the technical requirements for transmission.

MISCELLANEOUS

There may be no assignment of time from one user to another, or "brokering" of time.

Both companies and users must supply any information required of them by the FCC.

For Programming Assistance

Requests for time reservations, and questions on rates, technical standards, and scheduling should be directed to:

Sterling Manhattan Cable TV Inc.

Mr. John Sanfratello,
Production Manager

43 West 61st Street
New York, New York 10023

586-2426

586-3214



TelePrompTer, Inc.

Mr. Henry Pearson,
Assistant General Manager

529 West 207th Street
New York, New York 10034

942-7200

Upon request, the companies will inform users of other production and programming organizations that may be helpful to them.

Problems or disputes should be referred to the Bureau of Franchises.

Failure to comply with the rules may subject a user to cancellation for a two-month period.

The Bureau of Franchises welcomes comments on, or suggestions for amending the interim rules.

Comments should be addressed to:

Hon. Morris Tarshis
Director of Franchises
Centre and Chambers Streets
1307 Municipal Building
New York, New York 10007

Public Access CATV Begins Programming Available to All

(Continued From Page 1)

the entire cable system. Films, tapes, and panel discussions demonstrating the potential uses of the public channels were shown over both systems, while Teleprompter also sponsored a block party in front of its studio at 529 West 207th Street.

Groups supplying tapes or participating in the panel discussions included: the Alternate Media Center at New York University, the Deafness Research and Training Center, National Foundation for the Deaf, Consumer's Union, Gay Activists Alliance, Italian-American League, Automation House, Global Village, Space Video Arts and the Space for Innovation Development.

It is anticipated that many of the opening day participants will continue to program regularly. For example, the Alternate Media Center has planned

several community special events for the coming year, the Deafness Research and Training Center is projecting a full range of programming for the deaf, and a number of video tape producers and musical and theatrical groups should be regularly on the cable by the end of the summer.

The franchises divide Manhattan at about 79th Street, with Teleprompter serving the upper half of the island, and Sterling the lower half. Additional franchises will be awarded to cover the rest of the City, but will have to await a one-year moratorium on franchising voted by the State legislature in June to permit consideration of state regulation for cable TV.

There are currently about 80,000 subscribers to the two systems in Manhattan, with about 1,000 subscribers being added each week.

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New York CATV Project

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PRINCETON, NEW JERSEY

AUGUST 1971



SUPPLEMENT NO. 2

George Stoney of NYU Alternate Media Center Leads Experiments in Community-Access TV

"The kind of information sent out via cable television during the next two or three years may determine what will be sent out for the following twenty," says George Stoney, director of the Alternate Media Center at New York University.

He and executive producer Mrs. Red Burns are guiding the Center's experiments in community-access television. By taking advantage of the large channel capacity of cable and the simplicity and low cost of 1/2" videotape technology, the center is testing the power of cable TV to broaden neighborhood dialogue and to draw together scattered community elements.

Recent Projects

Recent projects of the Center include the telecasting of a three-day-long school planning workshop in the West Village, the taping of an Indian rights drive, and the telecasting of a miners' black lung march through the coal regions of West Virginia.

The three-day school planning marathon, or "charette," was organized by the parents of P. S. 41 in the West Village to plan a new school facility. Workshops and meetings ran for fourteen hours a day and the cable played a key role in informing the entire community.

TV monitors were set up outside the school so passersby could watch the proceedings and be drawn into dialogue. A one-hour delay between taping and telecasting enabled participants to catch up on other workshops or review their own performances. Participants freely admitted that they kept a sharp rein on expressions of irritation or disrespect after seeing themselves on tape.

The videotapes were made by students from New York University, and by community members trained by the center, using easy-to-operate, hand held cameras. Runners brought the tapes to the Sterling Manhattan TV studio on West 61st Street for broadcast.

Community Participation

The center, which is funded by a two-year grant from the Markel Foundation, has modest facilities for instruction and for production of videotape materials.

Stoney stresses that while the center is using

the same hardware and much the same experimental approach as many of the media groups operating in artistic communities, the materials produced by the center will not be restricted to "the underground"—either in production or in distribution. Instead, the students are encouraged to become community participants as well as video producers, and the finished tapes are distributed as widely as possible.

Stoney draws extensively from his experience at the National Film Board of Canada, where he

Automation House Studio

The creation of a "Community Television Center" at Automation House opens a third origination studio in Manhattan available for direct, public-access cablecasting. Automation House provides black and white equipment and in the future color equipment, at rates equal to or lower than those of Sterling Manhattan Cable Television, Inc. to which it is directly linked and possibly as low as \$25 for a finished hour.

Kurt Lassen, director of the project, promises that every effort will be made to provide thorough preproduction assistance.

The address and phone:

AUTOMATION HOUSE
49 East 68th Street
New York, New York 10021
(212) 628-1010

directed the community-based film project, Challenge for Change. In that project a small crew, including film professionals and a community organizer, put their services at the disposal of a succession of remote Canadian towns to develop local, self-sustaining community dialogue. Using videotape equipment, the Alternate Media Center will expand the range of these experiments in the United States.

Will Distribute Tapes

The center plans to mail copies of finished tapes to other communities throughout the country along with information about video equipment and production costs. The tapes will serve as "core" or "module" programs which can be adapted easily to similar situations in new locations.

Public-Access Programming: What Does It Cost? You Get It for Free, or Spend Thousands

Any group or individual with a non-commercial message can now go on cable television in Manhattan—for little or no charge.

In addition to free cable airtime for "non-commercial presentations" (generally, programming unsupported by advertising), the TelePrompter company, which serves the upper half of Manhattan, will videotape single-camera programming in its studio for later showing, at no charge. Taping facilities are also available, at charge, from Sterling Manhattan Cable Television, Inc. Programs originated in one company's studio can be shown on both cable systems for an interconnect charge of \$25.

Videotapes or films which are produced elsewhere may also be presented on the cable systems at little or no charge.

Costs of alternative means of producing taped programming have been reviewed by the Center for Analysis of Public Issues and are outlined in this article.

Cable Companies' Facilities Available

The following rates for studio equipment and technical assistance have been filed with the City by the two cable TV companies. TelePrompter has indicated a willingness to reduce or waive its charges in some cases. Sterling's rates may also be flexible for productions made at Automation House (see box, page one).

<i>Sterling</i>	<i>TelePrompter</i>
for simple presentations: single camera, cameraman, VTR (videotape recorder), studio "as is," use of tape and VTR for later telecast . . .	
\$115 per hour	free
additional camera and cameraman . . .	
15 per hour	\$75 per day
additional VTR (black and white) . . .	
25 per hour	150 per day
for showing 16mm film or slides instead of videotape . . .	
20 per hour	free
for color presentations: color camera and color VTR . . .	
80 per hour	Same as B & W

production personnel: TelePrompter charges \$60 per day for a director, \$45 per day for a lighting director, and \$30 per day for a production assistant. Sterling charges \$10 per hour for all time. TelePrompter also offers a complete remote unit with crew for \$500 per day.

Sources of Production Assistance

Both TelePrompter and Automation House have proclaimed themselves willing to "bend over backward" to give technical assistance. Each cable com-

pany is also compiling lists of other production resources for public channel users.

There are numerous groups who can produce an entire video production using their own or leased equipment for a per-hour, per-day, or per-job fee. An edited half-hour of half-inch tape will cost \$200 or more, while a finished hour of one-inch tape will probably cost \$1,000 or more. Special requirements, of course, will raise prices.

Purchasers or leasers of equipment can obtain assistance from sales representatives. In addition, there is a growing body of expertise in half-inch technology, much of which is condensed into four issues of *Radical Software* (available from Raindance Corporation, 8 East 12th Street).

Purchased Equipment

Groups producing a series of programs may find it most economical to invest in tape equipment and to develop production skills themselves.

List prices for representative equipment systems are given below. These prices (mostly for Sony equipment) are subject to dealer discounts and occasional sales of discontinued items.

Minimum half-inch system: Allows taping outside or in good light for 30-45 minutes without recharging batteries. Completely portable. Includes camera, VTR, auxiliary microphone and cable, \$1,500.

Basic half-inch: Includes above plus monitor, 3-hour battery, additional microphone for music, headset for monitoring sound, some lights, tripod, power cord and cable. \$2170. To produce edited (assembled) tapes, an "edit deck" VTR is needed. The two most popular models list for \$995 and \$1350. Basic system with editing thus costs \$3170-3520.

Two-camera half-inch: 2 cameras, 2 VTR's, 3 monitors, microphones, camera switcher, mic. mixer, headset, tripods, lights, cables. \$4530.

Half-inch color: Camera, accessories, monitor, microphones, headset, lights, VTR, color tuner, cable. \$3810. With edit deck, tuner, cable \$5520.

Two-camera half-inch color: Above plus second
(Continued on Page 4)

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Legal Issues in Public-Access Television: What to Do About Copyrighted Material

In each newsletter supplement, we will explore one of the many legal and quasi-legal issues involved in public channel programming which, if not recognized and dealt with early in a production, could create serious obstacles to getting on the cable with a finished product. This article explores copyright regulation particularly as it is now applicable under the interim rules recently issued by the city requiring that users obtain "appropriate documents authorizing performance" before going on the air.

* * *

Copyright is a legal device to protect the work of an author or artist from exploitation by others.

Copyright has two immediate applications to public channel programming. First, users of the channels can have their own productions copyrighted to prevent others from using them. Second, according to the city's rules, users must obtain releases before using any other copyrighted musical, film, or printed material in a cablecast.

Your Own Material

No one has a right to exploit material which you have created before you publish it. But once published, it passes into the public domain unless it has been copyrighted. There are two steps in securing a copyright:

- Notice of copyright must be given on the published work in a prominent place, probably on the title frames. Notice must consist of the word "copyright" or its symbol ©, the name of the owner, and the year secured; as: © John Doe 1971.
- The work should be registered with the copyright office by completing a registration application, paying a filing fee (\$6.00), and depositing two copies of the work.

Even without registration and deposits, a work is technically copyrighted merely by giving notice at publication. An owner will not be able to sue for infringement, however, or apply for an extension, if he does not fulfill the registration and deposit requirement. But if he fails to give notice at publication, his right to establish copyright protection may be lost forever.

Copyright protection is valid for twenty-eight years, and may be extended for a second period of twenty-eight years.

Using Copyrighted Material

The owner of copyright for a piece of music is the composer or publisher, not the performer. The city's rules require that those who plan to use music on a public-access program must submit to the cable company at least ten days in advance the title of the music, the composer, the performance licensing agent, and appropriate authorizing documents.

Probably the best way to track down the owner of a musical copyright is to inquire at the Index Departments of ASCAP or BMI — the major compo-

sers' protective societies. They will supply the name of the publisher from whom copyright authorization can be obtained for virtually any piece of music. The name of the appropriate society will appear on the record label or title page of the sheet music.

In strict theory, music copyright releases are not required for non-profit performances. But the city rules require releases in all cases, since the cable companies are profit-making organizations and could be subject to liability for showing copyrighted material without releases.

The copyright holder for printed material is normally the publisher, and sometimes the author. When in doubt, inquiries should be directed to the publisher.

Our own informal inquiries indicate that in most cases, genuinely non-profit users will not be charged for the use of copyrighted material.

Fair Use

Over-strict application of copyright law has been avoided in the courts by constructing the doctrine of "fair use." Brief snippets of a copyrighted work may be quoted or displayed, for example, in a book review, a classroom discussion, and a news summary, without authorization.

Penalties

Penalties for copyright violations can be stiff. Judges may order all copies of the offending work destroyed, order the payment of the profits made by the illegal exploiter to the owner of the copyright, and impose statutory damages ranging from \$250 to \$5,000.

Copyright is controlled by federal law. The last comprehensive copyright act was written in 1909, and is badly outdated because of advances in communication technology. For example, it is not entirely clear today whether exhibition of a videotape constitutes "publication" at all (although it is safest to assume that it does). Extensive revisions are now under discussion in Congress that, if eventually passed, will greatly clarify the responsibilities and privileges of videotape producers and non-profit and educational users.

For further information contact:

Copyright Office

First and East Capitol Streets, S.E.
Washington, D.C.
426-5000

ASCAP, Index Department

1 Lincoln Plaza
New York, New York 10017
595-3050

BMI, Index Department

589 Fifth Avenue
New York, New York 10017
759-1500

Public Access TV Programming: What Does It Cost?

(Continued from page 2)

camera, monitors, microphones, camera switcher and mic. mixer. \$7670.

Basic one-inch system: Camera and accessories, VTR, 2 microphones, headset, monitor, cables. \$6620. With edit deck, cables, some lights \$12,330.

Two-camera one-inch: 2 studio cameras, lenses, tripods, 2 VTR's, monitors, microphones, headset, camera selector, mic. mixer, sync. generator, lights, cables and controls. \$16,450.

Leased Equipment

Using rented gear has the advantages of lower cost if further productions are not planned (e.g. pilots), of providing a guarantee against equipment breakdown, and of allowing the use of more sophisticated equipment for special purposes.

Daily rental charges are about 5% of the retail cost of the equipment, and monthly charges are about 50% of retail. Longer-term leases may also be available on a negotiated basis.

The Great Tape Controversy

Most public-channel programming will be produced on videotape rather than film, since tape is cheaper and easier to use. Which tape format to use (one-inch and half-inch widths are the main contenders) can be a difficult decision.

One-inch tape equipment produces a "broadcast quality" signal, but is more expensive and less portable than half-inch. Tape produced on one one-inch VTR can rarely be played on a recorder of another manufacture, and therefore may have to be "translated" in order to be played by the equipment at the CATV studio. The commercial rate for translation, the recording from one brand of VTR to another, is about \$30 per hour plus tape in New York City. The one-inch tape producer can avoid this problem by supplying his own VTR to the cable company each time one of his tapes is shown.

Half-inch tape equipment is cheap, utterly portable, and standardized among most manufacturers. However, the lower information content of the half-inch tape video signal makes the picture noticeably grainier than the one produced by one-inch tape, though it is certainly adequate for most types of programming.

Editing half-inch tapes sometimes produces an instability which dictates the use of an "image buffer" process to make the tape suitable for on-air showing. This process, however, degrades the signal quality somewhat. Careful editing can avoid use of the image buffer, though a certain expertise is required.

Generally, though, the cost and portability of half-inch equipment can be expected to encourage widespread use.

Operating Costs

Costs, other than equipment, that a producer group must meet include buying tape (\$25-30 an hour for half-inch and twice that for one-inch), which is reusable, and maintaining the equipment. Studio rental and utilities and transportation and promotion budgets may be needed. Any additional editing, special effects, or translation beyond the capabilities of the user's equipment will have to be performed by others. In addition, special personnel may be needed, temporarily or permanently, for production or technical support.

Additional Costs

Other expenses may arise in several situations. For example, if proprietary material (e.g. a popular song) is used in the programming, clearance must be obtained from the copyright holder (see page three). If a theatrical or musical event is being taped, labor involved in the production of the event may make additional charges to allow use of the material on a videotape or television presentation.

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American Indians
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Brooklyn, New York